S.B. Criminal Misc. Bail Application No.2826/2006

Date : 14.07.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. P.N. Mohanani for the applicants.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that the present case is based on circumstantial evidence and whatever evidence available on record is in shape of extra judicial confession and the extra judicial confession does not involve the present applicant directly. He submits that this extra judicial confession of Gopalal has been recorded after 2 ½ years and during this period nothing was stated by him, therefore, firstly it is very weak type of evidence and secondly it was not made to anyone during period of 2 ½ years. In last, he submits that trial will take long time and prays that accused

applicants may be enlarged on bail.

On the other hand, learned Public Prosecutor has not controverted the fact that except the extra judicial confession of Gopalal,

no other evidence is available on record to connect the applicants with the crime.

I have considered the submissions made before me and carefully perused the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1) Kishanlal son of Chhittar and (2) Shanker son of Barda shall be released on bail in CR No.321/2003 P.S. Sadar, Bhilwara, provided each of them executes a personal bond in the sum

of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.